

Warrant & Explanation Report

Special Town Meeting

May 15, 2023

Article 1: Unpaid Bills. To see what sum the Town will vote to appropriate for the payment of certain unpaid bills for previous years, or take any other action thereon.

This Article is on the warrant if previous years' bills are identified. At the time of the printing of this warrant, several bills from the prior year have been identified:

<u>Amount</u>	<u>From</u>	<u>To</u>
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Article 2: Budget Transfers – Fiscal Year 2023. To see if the Town will vote to amend the actions taken under Article 2 of the May 16, 2022 Annual Town Meeting by adding certain appropriations or by reducing certain appropriations, by transfer among accounts, by transfer from prior appropriations under articles, or from available funds, or take any other action thereon.

There are likely to be departmental transfers required prior to the end of the fiscal year. A listing of these transfers will be available at the Finance Committee hearing.

Article 3: State Public Works Grant. To see what sum the Town will vote to appropriate for public works projects, such sum to be reimbursed by the State Transportation Bond Bill, or take any other action thereon.

The Legislature has authorized an appropriation of \$200 million through the State Transportation Bond Bill for transportation and roadway improvements throughout the Commonwealth. Most of these Chapter 90 funds will be used for roadway-related improvements, as part of the Town's ongoing pavement management program. We recommend that the full amount of the Town's apportionment of **\$877,025** be authorized by Town Meeting.

Article 4: Special Education Supplemental Appropriation. To see what sum the Town will vote to appropriate toward the School Department budget, or take any other action thereon.

During the current school year, three students moved into Danvers who were already attending specialized, out-of-district (OOD) placements and nine Danvers Public Schools (DPS) students were placed in specialized, out-of-district schools. This has created a budget shortfall of approximately \$1.5 million. Through collaboration with the Town, a plan was developed to offset the school budget with an appropriation of \$1.5 million from Free Cash to the Fiscal Year 2023 school budget, which in turn allows for the reserve amount carried in the Special Education Circuit Breaker account to have a higher balance to help offset the Fiscal 2024 budget.

Fiscal Year 2024 will be year two of a three-year plan to finance the OOD increase in the school budget. Based on the actual expenditures incurred the upcoming school year, DPS will receive additional Circuit Breaker funding during the Fiscal Year 2025 budget (and beyond) to help offset these expenses. It is recommended that **\$1,500,000 (Free Cash)** be authorized for these purposes.

Article 5: Refuse and Recycling Carts: To see what sum the Town will vote to appropriate for the purchase of refuse and recycling carts, and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

During the procurement process to establish a new residential curbside refuse and recycling collection contract, it became clear that the industry standard now included automated collection vehicles and standardized, individual wheeled carts; replacing the typical 35-45 gallon barrels currently used for refuse and the blue plastic bins currently used for recycling. Rather than amortize the cost of these carts, staff recommends an upfront purchase: a 64-gallon refuse cart and a 96-gallon recycling cart delivered to each residence on the curbside collection route. The lifespan of these carts is expected to be more than fifteen (15) years. It is anticipated that the automatic curbside collection program would begin on July 3, 2023. The estimated cost of these carts is \$980,000. We recommend that the Town appropriate **\$980,000 (Free Cash)** for the purchase of refuse and recycling carts.

Article 6: Planning Board Performance Guarantee, To see if the Town will vote to authorize the expenditure from the subdivider's performance guarantee to complete the construction of streets and municipal services in the Folly Hill Subdivision or take any action thereon.

Under MGL Chapter 41, Section 81U, the proceeds of any subdivision performance guarantee must be made available to the town, via the Planning Board, for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. When the proceeds exceed one hundred thousand dollars, however, the expenditure requires specific appropriation by Town Meeting, despite these funds coming entirely from the subdivider and not involving taxpayer dollars. In this case, the subdivider has notified the Town that it cannot complete the construction of streets and municipal services associated with the Folly Hill Subdivision and wishes the Town to exercise its performance guarantee and complete the work. We recommend the Town vote to authorize the expenditure of \$266,000 from the performance guarantee.

Select Board

/s/ *Daniel C. Bennett*

Daniel C. Bennett, Chair

/s/ *David A. Mills*

David A. Mills

/s/ *Maureen A. Bernard*

Maureen A. Bernard

/s/ *Gardner S. Trask III*

Gardner S. Trask III

/s/ *Matthew E. Duggan*

Matthew E. Duggan

Warrant & Explanation Report

Annual Town Meeting

May 15, 2023

Article 1: Election of Officers. To choose such officers as are required by law to be chosen in the months of April, May, and June annually, if they have not been elected by written ballot at the annual election, or take any other action thereon.

The following offices of the Town require election at the Annual Town Meeting:

Field Drivers (2)

Weigher of Coal

Measurer of Wood & Bark

Pound Keeper

Fence Viewers (2)

River Committee

Article 2: Budget – Fiscal Year 2024. To determine what sums of money the Town will vote to appropriate to defray the charges and expenses of the Town for Fiscal Year 2024, and to determine whether the money so appropriated shall be provided by taxation, by appropriation from available funds or by borrowing, or take any other action thereon.

This article provides the opportunity for Town Meeting to act upon the recommendations of the Finance Committee concerning the operating budget for all Town departments, in a format essentially as set forth in the Table of Appropriations of the Select Board's Fiscal Year 2024 Budget.

Article 3: Electric Division Budget. To see if the Town will vote to appropriate, for the Electric Division, the income from the sale of electricity to private consumers, electricity supplied to municipal buildings for municipal power, electricity supplied for street lights, and jobbing during the current fiscal year, the whole to be expended under the direction and control of the Town Manager, for the expense of the plant for said Fiscal Year 2024, as defined by § 57 of Chapter 164 of M.G.L., and to determine whether said income shall exceed said expenses for said Fiscal Year, or take any other action thereon.

A vote of Town Meeting is required each year to authorize the Electric Division to operate on a self-supporting basis. The Division's detailed budget is included in the Town budget document and was presented to, and supported by, the Select Board prior to Finance Committee review. The Division continues to be a key asset to the community in terms of its high degree of dependability, its maintenance of competitive electric rates, and its collaborative approach with other departments. Danvers was the first community in the Commonwealth to establish its own municipal light department (in 1889).

Article 4: Essex North Shore Agricultural & Technical School District Assessment. To see what sum the Town will vote to appropriate for the payment of the assessment certified by the Essex North Shore Agricultural & Technical School District, or take any other action thereon.

The Fiscal Year 2024 assessment of **\$4,217,492 (taxation)** is based on the October 1, 2022 enrollment of 245 Danvers students, which represents a net increase of 14 students and 18.02% of the student population at Essex Tech. This fiscal year 2024 assessment represents a \$351,916 (or 9.10%) increase from fiscal year 2023.

Article 5: Authorization of Collector of Taxes to Act. To see if the Town will vote to authorize the Collector of Taxes to use all means of collecting taxes which a Town Treasurer may use when appointed Collector of Taxes, permissible under the statutes of the Commonwealth of Massachusetts, or take any other action thereon.

Massachusetts General Law requires that this vote be taken at each Annual Town Meeting. The Town of Danvers has an excellent collection record, with an average annual property tax collection rate of more than 97%, and this article authorizes the Tax Collector to utilize a variety of tools (e.g., demand notices, tax liens, foreclosures, etc.) to assist in the collection of delinquent accounts. Town Meeting has the option, under this article, of limiting the measures that can be used.

Article 6: Committee Reports. To see if the Town will vote to hear, consider, and accept the reports of the Town boards, commissions, officers, committees, or take any other action thereon.

The fiscal year 2022 Annual Town Report was distributed to all Town Meeting members.

Article 7: Wireless Telecommunications Bylaw in Public Rights of Way. To see if the Town will vote to adopt the proposed Chapter XLIII to the Town's By-laws, as follows, and regulate the siting and location of Small Cell 5G wireless facilities, or take any other action thereon.

Explanation:

The wireless telecommunications industry has expressed interest in placing antennas and associated equipment on new or existing structures in the Town's public rights-of-way for deployment of Small Cell 5G wireless facilities. Small Cell facilities are vital for expanding 5G networks and providing targeted coverage in specific spaces. Unlike larger cell towers, Small Cells use little power and provide high-band high-speed 5G service to targeted areas. The purpose of this bylaw is to give the Town the ability to regulate placement and installation of Small Cell 5G wireless facilities.

In general, the installation of 5G facilities in the public ways involves the same approval process as other wireless telecommunications facilities. The company seeking to install poles and equipment in the public ways must obtain the approval of the Selectboard. The Town must grant non-discriminatory access to Town structures and public ways for the installation of poles by telecommunications companies while regulating issues such as aesthetics and pole height through this bylaw and appropriate policies.

The current Danvers Electric pole agreement and application process will provide the framework for the Small Cell 5G wireless facilities wherein wireless providers must sign a master agreement with the Town, apply to attach to specific poles, conduct a field study, and follow the make-ready work process. Any locational or visual issues are left to the Town, except to the extent they impact the ability of Danvers Electric to maintain its poles and distribution lines and equipment.

Proposed By-Law language:

CHAPTER ____

WIRELESS TELECOMMUNICATIONS BYLAW IN PUBLIC RIGHTS OF WAY

Section 1: PURPOSE AND INTENT

1.1 The wireless telecommunications industry has expressed interest in placing antennas and associated equipment on new or existing structures in the Town's public rights-of-way for deployment of "small cell" wireless telecommunications facilities (hereinafter "small cell wireless facilities").

1.2 The deployment of small cell wireless facilities may have both positive and negative impacts on our community. Multiple small cell wireless facilities within the public right-of-way can impact property values; pose a threat to the public health, safety and welfare; create traffic and pedestrian safety hazards; impact trees where proximity conflicts may require trimming of branches or require removal of roots; create visual and aesthetic blights and potential safety concerns from excessive size, height, weight, noise or lack of camouflaging which negatively impact the quality and character of the Town.

Section 2: APPLICABILITY

2.1 This chapter shall apply to all small cell wireless facilities and collocated small cell wireless facilities in the Town and shall not apply to any Exempted Telecommunications Facility or Major Telecommunications Facility. The following requirements and regulations shall apply to only small cell wireless facilities installed by private utility companies and not Danvers Electric or the Town of Danvers.

Section 3: GENERAL REQUIREMENTS

- 3.1 All installations shall be designed to minimize adverse visual impacts on the surrounding area and nearby residential properties.
- 3.2 Small cell wireless facilities shall be sited to minimize visibility from abutting streets and nearby homes and buildings and to reduce the need to remove or alter existing vegetation.
- 3.3 Small cell wireless facilities shall be screened and/or camouflaged to reduce their visual and aesthetic impacts on the surrounding neighborhood. Stealth designs shall be incorporated where appropriate.
- 3.4 Collocation is preferred to the installation of a new freestanding support structure, except when a collocation will provide greater adverse visual or other impacts than the installation of a new freestanding structure. All new support structures shall not exceed a height of 50 feet and, where appropriate, shall be designed and constructed in a manner that accommodates multiple small cell wireless facilities, and users, including multiple wireless communication companies, in order to minimize the number of new freestanding structures.

- 3.5 New freestanding support structures shall be setback from the nearest residential dwelling by a minimum distance equal to the height of the facility. New freestanding support structures including and not limited to poles shall be limited to a maximum of height of fifty (50) feet.
- 3.6 Small cell wireless facilities shall be not permitted within five hundred (500) feet of a public school.
- 3.7 All structures and/or small cell wireless facility equipment installed for providing wireless communication services shall be removed within six (6) months of cessation of use at the owner's expense. If the Applicant fails to remove the structures and/or small cell wireless facility equipment as required by this Section 3.7, the Town may remove or cause to remove the Applicant's structures and/or equipment without liability and at the Applicant's sole expense.

Section 4: LOCATION AND CONFIGURATION PREFERENCES

- 4.1 Siting Guidelines. The purpose of this section is to provide guidelines to Applicants regarding the preferred locations and configurations for small cell wireless facilities in the Town, provided that nothing in this section shall be construed to permit a small cell wireless facility in any location that is otherwise prohibited by this bylaw or any other section of the Town General Bylaw.
- 4.2 Preference for configuration of small cell wireless facilities, from most- preferred to least-preferred. Configuration preferences are:
 - (1) Collocated with existing wireless facilities,
 - (2) Mounted on existing utility poles and towers that are used to serve only secondary electric lines or wires (<600 Volt Line-to-Line) or for guying purposes,
 - (3) Mounted on existing utility poles and towers which already serve primary electric lines or wires (>600 Volt Line-to-Line),
 - (4) Mounted on new poles.

Considerations include the structural integrity of existing utility poles, the ability of the pole owner(s) to accommodate the wireless facilities, as well as the visual impacts on the surrounding area. Collocated equipment may not be preferred when the installation results in an unfair aesthetic burden on some residents or neighborhoods, and/or new poles that are bigger, heavier and more obtrusive than existing poles and would have a negative visual impact on the surrounding area.

Section 5: PERMITTING PROCESS

- 5.1 Permit Required. No small cell wireless facility shall be constructed, erected, modified, mounted, attached, operated or maintained within any public right-of-way without the issuance of a permit granted by the Danvers Select Board (DSB), after notice and a public hearing. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.
- 5.2 Application Content. All permit applications must include:
 - A. Detailed site, design, engineering plans and specifications for each proposed small cell wireless facility, including all associated equipment necessary for its operation;

- B. A master plan showing the geographic service area for the proposed small cell wireless facilities, and all of Applicant's existing, proposed and anticipated small cell wireless facilities in the Town;
- C. Photographs of proposed small cell wireless facility equipment;
- D. Visual impact analyses with photo simulations;
- E. Certification by a certified radio-frequency engineer that the small cell wireless facility will be in compliance with the FCC standards for RF emissions as they relate to the general public, including aggregate emissions for all collocated equipment;
- F. Documentation demonstrating a good faith effort to locate the small cell wireless facility in accordance with the preferred provisions of Section 4 and that the proposed location minimizes the health, safety, and visual impacts to the community;
- G. Mailing expenses associated with the Town providing written notice of the proposed small cell wireless facility to owners of all properties within 500 feet of the proposed installation;
- H. An executed indemnification agreement as set forth in section 5.6 hereof.

5.3 Application Fee. The Town shall assess a per-installation fee to cover the Town's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell wireless facility to ensure compliance with zoning requirements.

5.4 Consultant Fee. The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. Except to the extent expressly prohibited by law, the reasonable cost of the review shall be paid by the Applicant.

5.5 Additional Information. The Town may request any additional information as necessary to evaluate the application.

5.6 Notice. At applicant's sole cost and expense, the Town shall provide written notice of the time and place of the hearing to the owners of all properties within 500 feet of a proposed wireless facility, as determined by the last preceding assessment for taxation. Such notice shall be mailed at least seven (7) days prior thereto.

5.7 Compliance Bond. Upon approval of the application, the Applicant shall be required to post a bond for each small cell wireless facility, such bond to be held and maintained during the entire period of Permittee's operation of each small cell wireless facility in the Town as a guarantee that no such installation, including any co-located equipment, exceeds or will exceed the allowable FCC limits for RF radiation exposure to the general public as determined by a qualified independent RF engineer.

5.8 Indemnification. The Applicant shall provide an executed agreement in the form provided by the Town, pursuant to which the Applicant agrees to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a successful legal action brought against the Town for loss of property value or other harm

caused by the placement or operation of a small cell wireless facility. This indemnification agreement shall be in a form acceptable to the Town Attorney and shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Permittee, the Town and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Applicant to indemnify the Town for all the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of this Section.

5.9 Regulations. The Board of Selectmen shall have the authority to adopt regulations and policy guidelines to implement the provisions of this bylaw.

Section 6: INSTALLATION SPECIFICATIONS

6.1 The Applicant shall construct, install and operate the small cell wireless facility in strict compliance with the plans and specifications approved by the DSB.

6.2 Where feasible, as new technology becomes available, the Applicant shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required by the Town.

6.3 The Applicant shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Permittee shall notify the Town of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.

6.4 At all times, all required notices and signs shall be posted on the site as required by the FCC and state law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.

6.5 The Applicant shall maintain current at all times liability and property insurance for each small cell wireless facility in the Public Right of Way in the amount of \$2,000,000 (Two Million dollars) naming the Town as additional insureds.

6.6 The small cell wireless facility shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.

6.7 Every effort shall be made to locate small cell wireless facilities no less than five hundred (500) feet away from the nearest other small cell wireless facility, regardless of whether such small cell wireless facility will be owned by the Applicant or a third party.

6.8 If a single or collocated small cell wireless facility is mounted on an existing structure such as a utility or lighting pole it must be verified that such structure can support its weight and the weight of any existing collocated equipment. All new wires needed to service the small cell wireless facility must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.

6.9 A single or collocated small cell wireless facility may be mounted to existing utility poles and towers which already serve primary electric lines or wires (>600 Volt Line-to-Line) only with direct written permission from Danvers Electric.

6.10 All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each small cell wireless facility is to have its own dedicated power source to be installed and metered separately.

Section: DEFINITIONS

"Applicant" means the telecommunications provider seeking permission to install small cell wireless facilities in the Town pursuant to this by-law. For purposes of this by-law, the term, "Applicant" also refers to a telecommunications provider who has been granted a permit as provided herein.

"Collocated Small Cell Installation" means a single telecommunication tower, pole, mast, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

"Exempted Telecommunications Facility" includes, but is not limited to:

- a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet;
- b. A ground or building mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed thirty-five feet;
- c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet;
- d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
- e. Mobile services providing public information coverage of news events of a temporary nature.
- f. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar personal-use devices.
- g. Government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.
- h. Town-owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy (70) feet.
- i. Telecommunication facilities less than fifty feet in height, in compliance with the applicable sections of this chapter, located on a parcel owned by the Town and utilized for public and/or quasi-public uses where it is found by the Town Board to be compatible with the existing uses of the property and serving the public interest.

- j. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this chapter, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures.

"Major Telecommunications Facility" means telecommunication towers, poles or similar structures greater than 50 feet in height, including accessory equipment such as transmitters, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

"Public Right of Way" means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Chapter shall include Public Utility Easements, but only to the extent the Town has the authority to permit use of the area for this purpose. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Town.

"Small Cell Wireless Facilities" shall have the same meaning as **"Small Wireless Facilities"** set forth by the Federal Communications Commission ("FCC"), and shall include all equipment required for the operation and maintenance of a "small cell" wireless communications systems that transmit and/or receive signals but are not "Major Telecommunications Facilities," including but not limited to antennas, microwave dishes, power supplies, transformers, electronics, accessory equipment cabinets, and other types of equipment attached to existing structures and associated accessory structures required for the transmission or receipt of such signals.

In the FCC Order, the FCC defined **"Small Wireless Facilities,"** as those facilities that meet the following conditions:

- (1) The structure on which antenna facilities are mounted—
 - (i) is 50 feet or less in height, or
 - (ii) is no more than 10 percent taller than other adjacent structures, or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
- (4) The facility does not require antenna structure registration under part 17 of this chapter; and
- (5) The facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Rule 1.1307(b).

Article 8: Citizen Petition – Recall Provisions. To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation, as set forth below, relating to the establishment of recall election provisions in the Town of Danvers; and, further, to authorize the Select Board to take all actions necessary to accomplish the purposes of this Article; provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition, or take any other action thereon. [Michael Trainor]

AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF DANVERS

Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same, as follows:

Section 1. A person who holds a town wide elected office in the Town of Danvers (select board, school committee, town moderator, housing authority, and library trustees), with more than six months remaining in the term of that office on the date of the filing of a recall affidavit, referred to in Section 2, may be recalled from office by the registered voters of the Town of Danvers, in the manner herein provided.

Section 2. Three hundred and fifty or more registered voters of the town may file an affidavit with the town clerk containing the name of the office sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon provide to the voters copies of printed form petition blanks addressed to the respective board demanding the recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit; provided, however, that the vote of an elected official on a matter, other than in connection with a conflict-of-interest violation, shall not constitute valid grounds for recall; and provided further that the voters themselves shall individually determine whether any other grounds listed for recall are sufficient. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

The recall petition shall be returned and filed in the office of the clerk within 20 business-days following the date upon which the clerk issued such petitions; they shall contain the signature of at least twenty percent of the total number of voters duly recorded on the registration list of the clerk as of the most recent preceding town election.

The clerk shall, within seventy-two (72) hours following the filing, submit the petition to the registrars of voters who shall, within five (5) business-days, certify thereon the number of signatures which in fact are names of voters of the town.

Section 3. If the recall petition shall be certified by the registrars of voters to contain the sufficient number of voters, the town clerk shall forthwith submit the petitions to the respective board. Upon its receipt of the certified petitions, the respective board shall, within seventy-two hours, give notice of the recall petitions and the certification thereon to the person whose recall is being sought.

If the officer sought to be recalled does not resign his or her office, in writing to the town clerk, within five business-days following the delivery of the notice, the select board shall order an election to be held not less than sixty-four days, nor more than ninety days, after the date of certification of the sufficiency of the petition by the registrar of voters; but if another town election is to occur within one-hundred days after the date of the certification, the select board may, at their discretion, postpone the holding of the recall election until the date of such other town election.

If a vacancy occurs in the office after a recall election has been ordered, but prior to the date of the recall election, the election shall not proceed.

Section 4. The publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relative to elections, unless otherwise provided in this act.

Section 5. All ballots used at a recall election shall contain the following propositions in the order indicated.

FOR THE RECALL OF (NAME OF OFFICER) ()

AGAINST THE RECALL OF (NAME OF OFFICER) ()

Adjacent to each proposition, there shall be a place to mark a vote.

Section 6. The incumbent shall continue to perform the duties of his or her office until the recall election is held. If not recalled in the election, the incumbent shall continue in office for the remainder of his or her unexpired term, subject to recall as before, except as provided herein.

If the incumbent officer is recalled, he or she shall be deemed removed from office immediately. The remaining members of his or her respective board, consistent with the Town Manager Act, shall have the power to fill the vacancy until the next annual town election, at which the voters shall elect a successor for the remainder of the unexpired term.

Section 7. A recall petition shall not be filed against an officer within six months of the assumption of his or her office. In the case of an officer who has been subjected to a recall election and was not recalled thereby, a subsequent recall petition shall not be filed against the officer until at least six months after the date of the election at which the initial recall was voted upon.

Section 8. A person who has been recalled from an office or who has resigned from an office while recall proceedings were pending, shall not be appointed to any town office within twelve months after the recall or resignation.

Section 9. This act shall take effect upon its passage.

Article 9: Historic District Designation By-law. To see if the Town will vote to designate 42 Summer Street as a single Historic District, or take any other action thereon.

Explanation:

The structure located at 42 Summer Street is a c.1712 First Period house listed on the National Register of Historic Places that is in immediate danger of demolition. An out-of-town developer purchased this historic house in January 2022, and applied to entirely demolish the structure. The Preservation Commission declared the house "historically significant" and after holding a public hearing determined it to be "worthy of preservation" and put it under a demolition delay expiring in May 2023.

This structure is one of only about 250 First Period (pre-1725) houses in the country, and was home to Timothy Pickering, one of our nation's Founding Fathers, who led the Essex County militia regiment on the day of the Battle of Lexington and Concord, served in the Revolution as Quartermaster-General of the Continental Army, and served after the Revolution as Postmaster General and then Secretary of War under President George Washington, and Secretary of State under both Presidents Washington and John Adams. There is a mural of him in the Danvers Post Office.

The Historic District Commission's official study of this property - a prescribed process outlined in MGL Chapter 40C - has been extensive. This topic has been discussed at more than ten public meetings, including a statewide public meeting held by the Massachusetts Historical Commission, which voted to endorse this proposal, and the Historic District Commission's local public hearing, held on September 26 and continued to October 24. The Historic District Commission voted unanimously at its November 17, 2022 meeting to request that Town Meeting establish a new single-parcel historic district around this nationally-significant historic house in order to protect it from the current threat of demolition, and also to ensure that it will be permanently protected for the future. Additionally, at the Preservation Commission's January 2023 meeting, it voted unanimously to endorse bringing this warrant article to Town Meeting.

Through working with the developer, an agreement was reached with the Historic District Commission. The property owner split the lot in two and stated at the Historic District Commission's October 24 public hearing that they would not oppose the creation of a historic district if it included only the front parcel of the original lot containing the historic house, instead of the whole original lot. The Commission agreed, and is now only recommending a historic district for the now-smaller front parcel at 42 Summer St. However, the developer refused to withdraw the demolition permit, leaving the house under threat.

In Massachusetts, the majority of new historic districts are "single-parcel" historic districts, instead of entire neighborhood districts, because due to recent development most historic structures are now surrounded by newer construction not worthy of historic preservation. Under the state Historic Districts Act, this article requires a two-thirds vote.

Proposed By-Law language:

Establishment of Historic Districts

Section 1. Title: This by-law shall be known and may be cited as the Historic Districts By-Law and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Section 2. Purpose: The purpose of this by-law is to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Danvers or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Section 3. Establishment of Historic Districts: There are hereby established under the provisions of Chapter 40C of the General Laws the following historic districts:

- A. The Salem Village Historic District.
- B. The James Putnam Jr. House Historic District.

The descriptions and plans of the districts are described in Appendix 1 of this By-Law and shall be part of this article and are incorporated into this By-law by reference.

Section 4. Historic District Commission:

- A. Membership. There is hereby established under Chapter 40C of the General Laws an Historic District Commission consisting of seven members and three alternate members, appointed by the Select Board, including one member, where possible, from two nominees submitted by the Danvers Historical Society or the Society for the preservation of New England Antiquities, one member, where possible, from two nominees, one of whom shall be submitted by the Massachusetts State Chapter of The American Institute

of Architects, and one of whom shall be submitted by the Boston Society of Landscape Architects, and one member, where possible, from two nominees of the board of realtors covering Danvers. Where possible, one or more of the members shall be a resident of an Historic District established in Danvers pursuant to the Historic Districts Act.¹

- B. Terms of Office. When the Commission is first established, two members and one alternate shall be appointed for one year, two members and one alternate shall be appointed for two years, and three members and one alternate shall be appointed for three years. Successors shall each be appointed for a term of three years.
- C. Vacancies. Vacancies shall be filled within 60 days by the Select Board by appointment for the unexpired term. In the case of absence, inability to act, or unwillingness to act because of self-interest by a member, the Chair shall designate an alternate member of the Commission to act for a specified time.
- D. Compensation. All members shall serve without compensation.
- E. Officers. The Commission shall elect annually a Chair and Vice Chair from its own number and a Secretary from within or without its number.

Section 5. Duties & Powers of the Commission: The Historic District Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic Districts Act, General Laws, Chapter 40C, and of subsequent amendments thereto unless specifically limited by this by-law.

- A. Rules and Regulations. The Commission may adopt Rules and Regulations not inconsistent with the provisions of the Historic Districts Act.
- B. Expenditures. The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work.
- C. General Regulatory Powers. The Commission shall have control over new construction, reconstructions, alterations, movements, and demolitions of all exterior architectural features of buildings and structures within a historic district which are visible from any public street, public way or public park within a historic district, except as limited by this by-law. The term "structure" includes stone walls, fences, driveways, walks, terraces, steps, pavings, signs, lights and appurtenant fixtures on lots, buildings or structures. For purposes of this by-law any structure partially within a historic district shall be considered wholly within the district.
- D. Considerations. In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design arrangement of the features involved, and the relation of such features to similar features of building and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and set-back requirements in addition to those required by applicable zoning by-law.

¹ Additional membership suggestions: Lawyer, professional historian, additional residents of a district, member of Planning Board, member of Conservation Commission, individuals interested in historic preservation.

- E. Waiver of Review. The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, structures or signs may be constructed or altered without review by the Commission. The Commission may after public hearing set forth the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district, but no such determination shall limit the right of an applicant to present other designs to the Commission for its approval.

Section 6. Limitations and Exemptions:

- A. The Historic District Commission shall not make any recommendation or requirement with regard to new construction, reconstructions or additions except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the surroundings and of a historic district.
- B. The following are exempt from the control of an Historic District Commission:
1. Ordinary maintenance and repair of any exterior architectural feature if such repair and maintenance does not involve a fundamental change in design and materials.
 2. Any constructions, demolitions or alterations under a permit issued by a building inspector or similar agent prior to the effective date of the establishment of the district.
 3. Any constructions, demolitions or alterations under orders issued by a building inspector or similar agent for the purposes of public safety.
 4. Landscaping with plants, trees, or shrubs.
 5. Terraces walks, sidewalks and other similar structures not including driveways or parking lots provided that the structure is substantially at grade level.
 6. Storm doors and windows; screen doors and windows; window air conditioners, antennae.
 7. Color of paint and color of roofing materials.
 8. The reconstruction substantially similar in exterior design of a building, structure or exterior architectural feature damaged or destroyed by, fire, storm, or other disaster provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
 9. Signs which meet the requirements of the Town Zoning By-Law.
 10. Temporary signs and structures up to 30 days.

Section 7. Procedures:

- A. Except as this by-law provides in Section 5, no building or structure within a historic district shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration. Nor shall any building permit for demolition be issued for any building or structure within a historic district until the certificate required by this section has been issued by the Commission.
- B. Applications for certificates shall be made in triplicate, one copy being filed with the Historic District Commission, one with the Building Commissioner and one with the Town Clerk. Applications shall be in

the form specified by the Commission, to include plans and elevations signed by an architect or draftsman, drawn to scale, detailed enough to show architectural design of the structure and its relation to the existing building, and other materials deemed necessary by the Commission. Plot and site plans should be filed when application for certificates are made for improvements affecting appearances, such as walls, fences, steps, and paving. In the case of demolition or removal, the application must include a statement of the proposed condition and appearance of the property thereafter.

- C. Within 14 days of the filing of an application for any certificate, the Commission shall determine whether the application involves any features which are subject to approval by the Commission.
- D. If the application requires the Commission's review, or at the request of the applicant, the Commission shall hold a public hearing, unless waived according to the provisions of Chapter 40C of the General Laws amended. Public notice of the time, place and purposes of the hearing shall be given at least 14 days in advance and the Commission must notify by mail affected parties as provided in Chapter 40C of the General Laws as amended.
- E. The Commission shall decide upon the determination of any application within 60 days of its filing or within such further time as the applicant may allow in writing.
- F. A Certificate of Appropriateness shall be issued to the applicant if the Commission determines that the proposed construction or alteration will be appropriate for or compatible with the preservation or protection of the historic district. In the case of a disapproval of an application for a Certificate of Appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefore as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action, accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within 14 days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall issue a Certificate of Appropriateness to the applicant.
- G. Upon request, the Commission may issue a Certificate of Non-Applicability to any applicant whose request does not require Commission approval.
- H. If an application is deemed inappropriate or if application is made for a Certificate of Hardship, the Commission may issue a Certificate of Hardship if conditions especially affecting the building or structure involved, but not affecting the historic district generally, would make failure to approve an application involve a substantial hardship, financial or otherwise, to the applicant, and approval would not involve substantial detriment to the public welfare. A Certificate of Hardship shall also be issued in the event that the Commission does not make a determination on an application within the time specified in Section 7E of this by-law.
- I. Each certificate shall be dated and signed, and the Commission shall keep a permanent record of its determinations and of the vote of each member participating therein, and shall file a copy or notice of certificates and determinations of disapproval with the Town Clerk and the Building Commissioner.
- J. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within

twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken.

- K. Violation of any of the provisions of this by-law shall incur a fine of not less than ten dollars nor more than five hundred dollars, each day constituting a separate offense.

Section 8. By-Law Applies to the Town: The Town of Danvers shall be subject to the provisions of this by-law notwithstanding any town by-law to the contrary.

Section 9. Amendments: This by-law may be amended from time to time by a two-thirds vote of the town meeting subject to the procedures as set forth in Chapter 40C, Section 3 of the General Laws.

Section 10. Severability: In case any section, paragraph, or part of this bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

Section 11. Effective Date: Following Town Meeting approval, this by-law takes effect immediately when the following conditions have been met: (a) approval by the Attorney General of the Commonwealth: (b) filing of a map of the boundaries of the Historic Districts with the Danvers Town Clerk, the Building Commissioner and the Registry of Deeds for Essex County.

APPENDIX 1. Description and Plans of the Historic Districts.

- A. The Salem Village Historic District, shown on Map #1 of this Appendix, is bounded and described as follows:

Beginning at a point, said point located on the westerly side of Pine Street and on the southerly lot line of land now or formerly of the Society for the Preservation of New England Antiquities, the Rebecca Nurse House, and running westerly along the southerly lot line of same property now or formerly of the Society for the Preservation of New England Antiquities to the easterly side of Collins Street; Thence crossing to the westerly sideline of Collins Street at a point on the northeasterly lot line of Lot #210, Map #57; Thence turning northwesterly and running along the sideline of Collins Street to the northwesterly lot line of Lot #210, Map #57; Thence turning southwesterly and running 100 feet, more or less, along the northwesterly lot line of same property; Thence turning northwesterly and running parallel to the southwesterly sideline of Collins Street at a distance of 100 feet, more or less, along the back lot lines of property abutting Collins Street, and in some cases through abutting properties to the southerly lot line of Lot # 64, Map #49; Thence turning westerly and running along the southerly lot line of that same lot to the westerly lot line of that same lot; Thence turning northerly and running along the back lot lines of property abutting the westerly sideline of Centre Street to the southerly lot line of Lot #10, Map #49; Thence turning southwesterly and running along the back lot line of Lot #13, Map #49, to a point, said point being 250 feet, more or less, southwesterly of the southwesterly sideline of Centre Street; Thence turning northwesterly and running parallel to the southwesterly and southerly sideline of Centre Street at a distance of 250 feet, more or less, to a point on the westerly lot line of Lot #33, Map #40 (Wadsworth School); Thence turning northwesterly and running along the westerly lot line of the lot to the southerly sideline of Centre Street; Thence crossing Centre Street to the northerly sideline of Centre Street; Thence turning northeasterly and running along the northerly sideline of Centre Street to the easterly sideline of Briarwood Drive; Thence turning northerly and running along the easterly sideline of Briarwood Drive to the southerly lot line of Lot #49, Map #40;

Thence turning easterly and running along the southerly lot line of that same lot and along the back lot lines of property abutting the southeasterly sideline of Highland Terrace to the easterly lot line of Lot #3, Map #41; Thence turning northerly and running along the easterly lot line of that same lot to the northerly lot line of that same lot; Thence turning westerly and running along the northerly lot line of that same lot to the easterly lot line of Lot #2, Map #41; Thence turning northerly and running along the westerly lot line of Lot #1, Map #41 to the northerly lot line of Lot #55, Map #40; Thence turning westerly and running along the back lot lines of property abutting the northwesterly sideline of Highland Terrace to the back lot line of Lot #62, Map #40; Thence turning northwesterly and running along the back lot lines of property abutting the northeasterly sideline of Briarwood Drive to the easterly sideline of Interstate 95; Thence turning northerly and running along the easterly side line of Interstate 95 to the northerly lot line of land now or formerly of Endicott Park; Thence turning easterly and running along the northerly lot line of land now or formerly of Endicott Park to the easterly lot line of the same property; Thence turning southeasterly and running along the easterly lot line of that same property to the back lot line of Lot #4, Map #33; Thence turning southwesterly and running along the back lot lines of property abutting the northwesterly sideline of Forest Street to the southwesterly lot line of Lot #3, Map #33; Thence turning southeasterly and running along the southwesterly lot line of that same property to the northwesterly sideline of Forest Street; Thence crossing Forest Street to a point on the opposite sideline on the southwesterly lot line of Lot #47, Map #33; Thence turning southeasterly and running 300 feet, more or less, along the southwesterly lot line of that same lot to a point; Thence turning southerly and running parallel to the easterly sideline of Forest Street at a distance of 300 feet, more or less, to a point located in land now or formerly of St. Richards Catholic Church; Thence turning southwesterly and running across that same land to the northeasterly sideline of Forest Street; Thence crossing Forest Street to the opposite sideline at the northwesterly lot line of Lot #29, Map #41; Thence running along the back lot lines of property abutting the northwesterly sideline of Alma Lane to a point on the lot line of Lot #14, Map #41, said point being 190 feet, more or less, easterly of the easterly sideline of Ingersoll Street; Thence turning southerly and running across that same lot to the northwesterly end line of Weeks Road; Thence turning southwesterly and running along the northwesterly lot line of Lot #153, Map #41, the back lot line of that same lot; Thence turning southeasterly and running along the back lot lines of property abutting the southwesterly sideline of Weeks Road to the northwesterly sideline of Prince Place; Thence crossing Prince Place to the southwesterly lot line of Lot #150, Map #41; Thence running along the southwesterly lot line of that same lot line to the northwesterly lot line of Lot #149, Map #41; Thence turning southwesterly and running along the northwesterly lot line of that same lot to the back lot line of that same lot; Thence turning southeasterly and running along the back lot line of property abutting the southwesterly sideline of Weeks Road to the southeasterly lot line of Lot #148, Map #41; Thence turning northeasterly and running along the southeasterly lot line of that same lot to the southwesterly lot line of Lot #148A, Map #41; Thence turning southeasterly and running along the southwesterly lot line of that same lot to the southeasterly lot line of that same lot; Thence turning northeasterly and running along the back lot lines of Property abutting the end line of Weeks Road to the back lot line of Lot #134, Map #41; Thence turning southerly and running along the back lot line of property abutting the southwesterly sideline of Forest Street to the back lot line of Lot #126, Map #41; Thence turning northeasterly and running along the back lot lines of land abutting the northwesterly sideline of Hobart Street to the southwesterly sideline of Forest Street; Thence crossing Forest Street to the northerly lot line of Lot #102, Map #41; Thence turning northwesterly and running along the northeasterly sideline of Forest Street to a point 250 feet, more or less, from the northwesterly sideline of Hobart Street; Thence turning northeasterly and running parallel to the northwesterly sideline of Hobart Street at a distance of 250 feet, more or less, to a point 25 feet, more or less, southwesterly of the southwesterly sideline of Gansons Lane; Thence turning northwesterly and running parallel to the southwesterly sideline of Gansons Lane at a distance of 25 feet, more or less, to a point 50 feet, more or less, northwesterly at the end line of Gansons Lane; Thence turning northeasterly and running parallel to the end line of Gansons Lane at a distance of 50 feet, more or less, to a point 25 feet, more or less,

northeasterly of the northeasterly sideline of Gansons Lane; Thence turning southeasterly and running parallel to the northeasterly sideline of Gansons Lane at a distance of 25 feet, more or less, to the northerly sideline at Hobart Street; Thence turning southwesterly and crossing Hobart Street to the opposite sideline at the northeasterly lot line of Lot #109, Map #41; Thence turning southeasterly and running along the northeasterly lot line of that same lot to a point 300 feet, more or less, from the southerly sideline of Hobart Street; Thence turning southwesterly and running along parallel to the southerly sideline of Hobart Street at a distance of 300 feet, more or less, to the westerly lot line of Lot #120, Map #41 (Highland School); Thence turning southerly and running along the westerly lot lines of that same lot and Lot #100, Map #49 (School Site) to the northerly lot line of Lot #124, Map #49; Thence running southwesterly across that same lot, across Lot #123 Map #49, and along the easterly lot line of Lot #122, Map #49 to the northerly sideline of Holten Street; Thence crossing Holten Street to the southerly sideline of Holten Street at the northeasterly sideline of Collins Street; Thence turning easterly and running along the southerly sideline of Holten Street to the westerly lot line of Lot #84, Map #49; Thence turning southerly and running along the westerly lot line of that same lot to the back lot line of that same lot; Thence turning easterly and running along the back lot line of that same lot to the westerly lot line of Lot #85, Map #49; Thence turning southerly and running along the westerly lot line of that same lot to the back lot line of that same lot; Thence turning easterly and running along the back lot line of that same lot to the easterly lot line of that same lot; Thence turning southerly and running more or less parallel to the northeasterly sideline of Collins Street at a distance of 100 feet, more or less, to the southerly lot line of land now or formerly of the Boston & Maine Railroad; Thence turning easterly and running along the northerly sidelines of land now or formerly of the Society for the Preservation of New England Antiquities (The Rebecca Nurse House) to the southwesterly sideline of Pine Street; Thence turning southeasterly and running along the southwesterly sideline of Pine Street to the point of beginning.

All as shown on a plan entitled: Salem Village Historic District, Map #1, 1974, Danvers, Massachusetts, Scale: 1" = 600', March 18, 1974, Charles Axelrod, Town Engineer, drawn: J. W. Clark.

All lots referred to by Lot # and Map # are from the Town of Danvers, Assessors Map, by John E. O'Donnell & Associates, Auburn, Maine, 1970.

- B. The James Putnam Jr. House Historic District, shown on Map #2 of this Appendix, is made up of Assessor's Parcel ID number 034 003, with a street address of 42 Summer Street.

Article 10: Technology Plan. To see what sum the Town will vote to appropriate for the purchase and installation of hardware and software for telecommunications, computers, and related networking equipment for various Town departments, or take any other action thereon.

This article requests an appropriation of **\$389,446 (Free Cash)**, to support the ongoing investment in the town-wide technology program. By a single appropriation, we minimize duplication of technology efforts and costs between Library, General Government and Schools. The Town's responsibility for IT infrastructure is maintained and updated through this article, as are departmental, nonrecurring expenses for hardware and software added to the IT network. Routine, annual operational costs are included in the Information Technology or School Department budgets.

The **School** request for **\$182,446** includes: interactive displays and teacher laptops (\$96,622); projectors and desktop replacements (\$57,824); and Middle School technology upgrades (\$28,000).

The **Library's** IT services are provided primarily through its membership in NOBLE, the (North of Boston Library Exchange). The Town supports those items not covered. The total request of **\$15,000** includes replacement of computers and technical equipment in accordance with a regular refresh cycle.

The **General Government** request of **\$102,000** includes: A phone system upgrade for Police and Fire (\$40,000); monitors (\$10,000); the purchase of laptops and desktops (\$22,000); and switching infrastructure (\$30,000).

An additional **General Government** request of **\$90,000** is supported by departmental revenue from FY22 of \$137,000 which closed to Free Cash and will sustain a regional investment in cybersecurity that produces additional, annual-recurring revenue for the Town. This appropriation will cover the annual support renewal on a suite of cybersecurity products protecting six partner Towns in an Information Technology Collaborative led by Danvers. We expect to bring in \$137,000 in FY23 revenue as well as FY24, proceeds which will be deposited into the General Fund and eventually flow back to Free Cash.

Article 11: Disaster Recovery. To see what sum the Town will vote to appropriate for the purchase and installation of hardware and software related to disaster recovery and business continuity needs, or take any other action thereon.

This article requests an appropriation of **\$100,000 (Free Cash)** to implement a cloud disaster recovery solution. Our disaster recovery site at the High School will be up for datacenter refresh in two years. We are taking a new approach to disaster recovery aimed at both reducing costs and improving resiliency. We only consume the resources of our current disaster recovery site during a failover scenario or test of the system, but we pay to have them all the time. The cloud model presents a low baseline cost for reservation of resources and higher variable costs during periods of consumption. The total annual cost is lower than the capital cost of refreshing a datacenter every five years in a standard refresh cycle. Additional benefits include geographic diversity of disaster recovery and the potential to recoup costs via insurance in a disaster scenario.

Article 12: School Transportation Vehicles. To see what sum the Town will vote to appropriate for the purchase of two (2) 8-passenger 7D certified school vans or take any other action thereon.

This article requests an appropriation of **\$150,000 (Free Cash)** to fund the purchase of two (2) 8-passenger 7D certified school vans (\$75,000 each).

Article 13: Pavement Management & Sidewalk Improvements. To see what sum the Town will vote to appropriate for the implementation of a pavement management program including consulting services, computer programs, crack sealing, sidewalk improvements, and the reconstruction of Town ways and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

Town Meeting each year appropriates varying sums, to be used with State grant funds, to finance the Pavement Management Program. This includes work on all existing Town and school roadways, sidewalks, curbing, and parking areas. State funding has been level for many years, and in addition to routine repair work, Town funding has been necessary to keep all municipal areas in good condition, such as Town parking lots. Unfortunately, we have also seen a decrease in the life expectancy of road pavement due to environmental regulations

requiring the use of more recycled products and changes to the binding oils. Overall, this has resulted in a backlog of areas needing improvement greater than \$1 million.

This article funds repairs to sidewalks, patching of small sections of roads, curbing repairs, and construction. In addition to the funding necessary for these anticipated road and sidewalk repairs, \$100,000 is also recommended for ADA compliance and sidewalk improvements and \$10,000 for the inspections and analysis of all town roadways in coordination with the Pavement Management Program. and construction activities. We recommend that **\$285,000 (Free Cash)** be authorized for these purposes.

Article 14: Roadway Layout & Acceptance of Public Ways. To see if the Town will vote to approve the layout and acceptance plans, to accept certain roads as public ways, and to authorize the Select Board to acquire by gift, purchase, taking or otherwise, any fee, easement or other interest in any easement related to such public ways, or take any other action thereon.

Since fiscal year 2000, Town Meeting has funded the preparation of Layout and Acceptance Plans (LAPs) of existing private ways in Town for Acceptance as Public Ways. When the private way Roadway LAPs are complete, the roadway acceptance plans are presented to the Select Board to lay out the streets as public ways prior to Town Meeting. This step in the process requires a public hearing and public meeting. To complete the process, Town Meeting must vote to accept the streets as public ways and to authorize the Select Board to complete the process by acceptance as a gift, purchase, or by eminent domain any land or easements necessary within the way laid out by the Select Board. The vote may also carry a provision to provide damage awards, if necessary.

We recommend that Town Meeting hear the Select Board's report on the layout and acceptance of the following as public ways: Riverview Avenue, Cemetery Road, and Fowler Street.

Article 15: Roadway Layout & Acceptance of Public Ways Program. To see what sum the Town will vote to appropriate for the preparation of street layout and acceptance plans and recording fees to accept certain roadways as Public Ways in the Town of Danvers, or take any other action thereon.

Over the past few years, the Town has used existing funds with the occasional appropriation to continue the program. To date, 124 roadways (approximately 23 miles) and extensions to roadways have been accepted at an estimated cost of \$5,000 per roadway to prepare layout and as-built plans. We recommend that **\$25,000 (Free Cash)** be appropriated to continue this work.

We further recommend that the Select Board be authorized to take by eminent domain, acquire by purchase or, as otherwise may be necessary, to acquire the land and easements necessary for said layouts. In as much as these roadways have been maintained by the Town of Danvers as Public Ways, we do not recommend any damage awards under this Warrant Article request.

Article 16: Landfill Gas Collection System and Flare Station. To see what sum the Town will vote to appropriate for the design, permitting, construction, and engineering services during construction for the replacement of a Landfill Gas Collection and Flare Station (LGCFS) within the Town's Sanitary Landfill, and to determine whether this appropriation shall be made through taxation, transfer of available funds, or otherwise, or take any other action thereon.

As part of the long-range post closure requirements imposed on the Town by the Massachusetts Department of Environmental Protection (DEP), the Town is required to operate and maintain the Danvers Sanitary Landfill and the methane gas extraction system and flare station to control off-site migration of methane gas. The existing system was installed roughly fifteen years ago, and in recent years the flare station has required extensive repairs and replacement parts. The Town is required by DEP to operate the extraction system and flare station for another twenty (20) years.

Since the activation of the flare station, the Engineering Division has continued to be proactive in addressing the multiple flare failure alarms due to the flare station inadequately drawing in methane gas and non-ignition of the flare due to extremely low temperatures and wind gusts. The overall landfill gas collection system that feeds the flare station has been fine-tuned and optimized to extract as much methane decomposition gas as possible to send to the flare for combustion, yet the Town is not able to maintain its permitted requirements for combustion due to the flare pilot non-ignition and programming.

In Fiscal Year 2020, The Town's landfill consultant performed extensive repairs and diagnostic evaluations on the existing flare station that included: repairs to flare stack, replacing the flare blower, rehabilitation of the main gas valve, repairing landfill vault vents and repairs to the gas well monitoring network. The overall operation of the flare mechanical components and programming has been repaired and maintained to maximum extent possible, but vendors are now unable to make any further repairs or replace specific components of the system due to propriety technology no longer available by the original manufacturer.

It is recommended that funds be appropriated for design plans, specifications, permitting, bidding, construction, services during construction and post-construction regulatory reports for improvements at the former Sanitary Landfill off East Coast Road in the amount of **\$337,500** and funded through **Free Cash**.

Article 17: Maintenance Dredging. To see what sum the Town will vote to appropriate toward the cost of future dredging, including engineering and permitting for Danvers Harbor, or take any other action thereon.

The waterfront is a valuable economic and recreational resource for the Town, and it is important to provide safe, navigable waters by dredging every 15-20 years. Our last project was completed in 2008 at a cost of \$2,134,681. It is anticipated that the cost for the next dredging project (from two to all four rivers) will double. By way of an annual appropriation, the Town will have the resources to begin to perform the needed permitting, design, and engineering that will be required to apply for State grant funding. Both the River and Recreation Committees support this approach. We recommend that **\$20,000 (Free Cash)** be appropriated in Fiscal Year 2024 for this future project.

Article 18: Drainage Capital Improvements & Repairs – Adams Street Culvert Replacement. To see what action the Town will take for replacement construction of the culvert on Adams Street and to authorize the Select Board to acquire utility easements in conjunction with the Adams Street culvert replacement, and to determine whether said appropriation should be raised through Sewer Receipts or Sewer Retained Earnings or take any other action thereon.

In 2018, the Engineering Division received a request to investigate the condition of the Adams Street culvert after several high precipitation events had eroded the bottom of the outlet channel and adjacent retaining wall. The existing culvert is comprised of a 24-inch reinforced concrete pipe (RCP) with granite/boulder block headwalls and several drain inlets with varying materials of corrugated metal pipe (CMP), ductile iron and RCP. The concern is that, if the culvert were to remain in place with no mitigation of the outlet scouring, then a significant section of the existing block wall would fail and ultimately pose a significant threat to the abutting residence at 55 Adams Street.

In FY 2022, re-evaluations were performed of all culverts in Town that were greater than a 24-inch diameter or comprised of corrugated metal. Several culverts have been deemed deficient and in need of rehabilitation, including the culvert located at 55 Adams Street. The recommendation is that the Town construct a full replacement of the existing culvert and retaining wall in order to mitigate any further failure, collapse, or property damage. The estimated cost to construct the culvert replacement, including the acquisition of temporary and permanent easements is **\$790,000**, and that said funds may be appropriated through **Sewer Retained Earnings**.

Article 19: Sewer Main Replacement – Perkins Road. To see what sum the Town will vote to appropriate for the design, permitting, construction, and services during reconstruction of a gravity sewer main and services for Perkins Road, and to determine whether said appropriation shall be made through Sewer Receipts or Sewer Retained Earnings, or take any other action thereon.

The Perkins Road wastewater collection system was installed as part of the last phase of the Woodvale Subdivision in the late 1950s. The original design specified an eight (8") -inch gravity main and services to collect sewerage discharge from the abutting property owners of Perkins Road and Princeton Street. The installation of the main was not properly monitored for quality assurance and control, resulting in the creation of Sanitary Sewer Overflows (SSOs). The current configuration of the pipe contains improper slopes, creating cavities for wastewater to collect in the pipe and overflow to the street during high sewage flow events.

In an effort to prevent any future failures or potential Sanitary Sewer Overflow (SSO) events, it is recommended to replace the existing sewer manhole at the intersection of Princeton Street and Perkins Road, relay a section of the existing 8" asbestos cement gravity main on Perkins Road with new 8" PVC pipe, reconnect the existing sewer services to the new gravity main, and complete final paving restoration. The cost estimate for this project is **\$350,000** to be appropriated from **Sewer Retained Earnings**.

Article 20: Wastewater Facilities Improvements. To see what sum the Town will appropriate for the capital maintenance and extraordinary repairs to the Town's Wastewater Pumping Stations, and to determine whether said appropriation shall be made through Sewer Receipts or Sewer Retained Earnings.

In 2012, the Town and CDM Smith conducted a comprehensive inspection and evaluation of the Town's existing sixteen wastewater pumping stations. The findings and recommendation were included in the 2013 Wastewater Facilities Plan Technical Memorandum #2. The report prioritized repairs for the pumping stations located at Briarwood Drive and South Liberty, where corrosive environments are damaging the instrumentations and mechanical pumps and process piping. The repairs have been identified as immediate and critical to maintaining the existing wastewater infrastructure through recent inspections and maintenance performed on the existing equipment by the Public Works Sewer Division. During the past two years, the Town has continued to fund repairs and equipment replacements as outlined in the Facilities Plan.

The projects scope for furnishing and installing replacement equipment includes mechanical piping, pumps, instrumentation, and controls at these wastewater pumping stations. It is estimated that the cost of the recommended improvements and repairs is \$100,000.

Engineering therefore recommends that an article be included in the May 2023 Annual Town Meeting Warrant for capital maintenance and improvements (extraordinary repairs) to the Town's Wastewater Pumping Stations in the amount of **\$100,000** and to appropriate said funds through **Sewer Retained Earnings**.

Article 21: Summer Street Pump Station. To see what sum the Town will appropriate for the capital maintenance and extraordinary repairs to the Town's Summer Street Wastewater Pumping Station, and to determine whether said appropriation shall be made through Sewer Receipts or Sewer Retained Earnings.

The Summer Street pump station is the largest wastewater pumping station owned and operated by the Town. The service areas include the St. John's Preparatory School campus, the Ivan G. Smith elementary school and the services areas of the North Street and Naumkeag Sewer Pumping Stations. The pump station was constructed in the early 1990s and as recently as 2016 underwent a series of mechanical upgrades to the pumps, mechanical process piping, SCADA system, electrical wiring, heating and ventilation system.

During the initial evaluation and conceptual design of the 2016 rehabilitation project, the generator for the station was also inspected, but was deemed in fair condition. The generator is over 30 years old and in the last two calendar years the performance of the generator has drastically been reduced and it is currently unable to provide the necessary emergency backup power during an electrical outage. The Town Water & Sewer Division currently rents a backup generator to be onsite for emergency backup power for the station.

The projects scope for furnishing and installing the generator, includes electrical conduit piping, concrete foundation replacement, generator installation, instrumentation, controls and communication coordination. It is estimated that the cost of the recommended improvements and repairs is \$350,000.

Engineering therefore recommends that an article be included in the May 2023 Annual Town Meeting Warrant for capital maintenance and improvements (extraordinary repairs) to the Town's Summer Street wastewater pumping station in the amount of **\$350,000** and to appropriate said funds through **Sewer Retained Earnings**.

Article 22: Water Main Replacement Program. To see what sum the Town will vote to appropriate for the capital maintenance and extraordinary repairs to the Town's water distribution system for the design, permitting, construction, and services during construction of water mains, and to determine whether said appropriation shall be made through Water Receipts, Water Retained Earnings, borrowing, or otherwise, or take any other action thereon.

In January 2019, the Town received a new 20-year Capital Improvements Plan for the water distribution system, including water main replacements, inspection of the Town's water booster stations, and raw water pumping stations. The technical memo prepared by the Town's consultant in 2019 made several recommendations for water main replacements based on breakage, fire flows and pipe age.

The Town is nearing the completion of the Phase One (1) replacement program which included Newbury Street, Hobart Street, Andover Street, Cabot Road, Amherst Street, Cornell Road, and Oberlin Road. In Fiscal Year 2024, we recommend continuing into Phase 2 (as shown in [Appendix --](#)) of the replacement program which includes Green Street, Locust Street and Wenham Street. The replacement of the distribution network is based on the Capital Improvement Program and the consultant's project phasing recommendations.

We recommend that the Town appropriate **\$2,900,000**, said sum to be raised from **Water Retained Earnings**.

Article 23: Water Facilities Improvements – Putnam Street Booster Station. To see what sum the Town will vote to appropriate for the construction, capital maintenance, and extraordinary repairs to the Town's Putnam Street Booster Station, and to determine whether said appropriation shall be made through Water Receipts, Water Retained Earnings, or otherwise, or take any other action thereon.

The updated 2018 twenty (20)-year Capital Improvement Program listed the Putnam Street Booster station as another priority replacement due to its poor condition and age. The booster station was installed in 1990s and a majority of the pump station controls have reached the end of their service life and replacement parts are no longer available. The Water and Engineering Divisions have made multiple repairs to the existing pumps and replaced the Programmable Logic Controls (PLCs) for the pumps. The electrical motor control cabinet, venting and heating systems need to be upgraded to maintain the operation of the booster station to supply adequate water pressure to the surrounding neighborhoods.

As part of the study, a preliminary cost estimate of \$140,000.00 for necessary improvements has been generated by Engineering and its consultant. The capital improvements will involve; demolition of the existing equipment, upgrading the existing pump controller cabinet, reconfiguring the SCADA system, replacing additional pipe supports, new control installation, mechanical piping upgrades, and updating the electrical system.

We recommend funds be appropriated for construction, capital maintenance and improvements (extraordinary repairs) to the Town's Putnam Street Water Booster Station in the amount of **\$140,000** and to appropriate said funds through **Water Retained Earnings**.

Article 24: Water Facilities Improvements – Greenleaf Drive. To see if the Town will vote to authorize the Select Board to acquire utility easements in conjunction with the elimination of the Greenleaf Drive Sewer Pumping Station or otherwise, or take any other action thereon.

The Greenleaf Drive Wastewater Pumping Station is one of the final wastewater facilities improvements to be completed as part of the 2013 Wastewater Facilities Improvements Program. Since the original construction of the facility in 1977; a residential subdivision – College Pond Drive and a second South Essex Sewerage District (SESD) Interceptor Sewer were constructed. These two projects have made it possible for the Town to eliminate the Greenleaf Drive Sewer Station and connect cross country - via easements - to the College Pond Drive Sewer. Flow from College Pond Drive currently flows by gravity to the SESD Interceptor Sewer.

The existing sewer ejector station is approaching 50 years in service (constructed in the 1970's). Replacement parts are no longer available. The structural condition of the metal "can type" Station and equipment are showing signs of significant deterioration. To replace the station would cost nearly as much as installing the gravity sewer. The benefit of the gravity sewer is to eliminate the long-term O&M and future replacement cost.

The Town, in working with our consultant, has developed a cross country design and has identified the permanent and temporary easements required to connect Greenleaf Drive by gravity to the College Pond Drive Sewer. In addition, Engineering has already completed the necessary appraisals, contract documents and permitting necessary to begin construction.

Engineering recommends that Town Meeting vote to authorize the Select Board to acquire both temporary and permanent easements, by eminent domain taking, to construct the gravity sewer main. A 2021 Annual Town Meeting had previously authorized the necessary funding to compensate the effected landowners and construct the proposed Greenleaf Drive sewer ejector station elimination project.

Article 25: Mill Pond Dam Safety Inspections. To see what sum the Town will appropriate to conduct Dam Safety & Compliance Inspections for the Mill Pond Dam on Sylvan Street and to determine whether the funds shall be appropriated through Sewer Receipts, Sewer Retained Earnings or otherwise, or take any action thereon.

The Town owns and operates five dams, three of which are related to our water supply reservoirs and the remaining two dams Mill Pond Dam (Sylvan Street) and the Meadow Dam control water levels in the Meadow off Hobart Street. In response to the flooding and dam failures due to the Mother's Day Storm event, the Commonwealth of Massachusetts promulgated new dam safety regulations and created the Office of Dam Safety [ODS]. Within the regulations, each dam must be inspected on a periodic basis, based on its hazard category determined by the ODS.

For FY2024, Mill Pond Dam is considered a significant hazard dam and must be inspected every five years with the next inspection due in April 2024; the estimated cost to conduct the inspection is \$7,500. It is recommended that the Town appropriate **\$7,500** for this project and that said funds be appropriated through **Sewer Retained Earnings**.

Article 26: Building Improvements. To see what sum the Town will vote to appropriate for repairs, maintenance, and improvements to Town buildings, including equipment, and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

We recommend that the Town appropriate **\$501,500** for the repair and maintenance of Town buildings, to be supported by **\$434,000 (Free Cash)**, **\$27,500 (Electric)**, and **\$40,000 (WUMP)**. A description of the proposed scope of work is presented below:

Elementary/Middle/High Schools - TOTAL: \$345,500
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Elementary School Entrance Intercoms: The intercom and remote unlock systems for the entrance at Riverside, Highland, and Thorpe School are at the end of their useful life and need replacement. These systems are needed to control who is allowed to enter through the entrance door, during the school day. The estimated cost to replace these systems at the three elementary schools is **\$4,000**.

Great Oak School Classroom Flooring Replacement: The classroom carpeting at Great Oak School is original to the 1998 renovation. We recommend continuing the program successfully employed at our other elementary schools by replacing the carpeting with vinyl composite tile (VCT). In addition to the tiles, area rugs designed for use in a classroom will be used to delineate special areas in each classroom. The second phase of this carpet replacement for four (4) classrooms is **\$30,000**.

Great Oak School – Exterior Wall Maintenance: The brick wall on the Northwest side of Great Oak School is in need of repointing and sealing of the mortar joints and lintels. This work will prevent water intrusion through the wall and prevent interior damage. The estimated cost of this work is **\$8,500**.

Great Oak School – Replace Exterior Gym Door: The exterior gym door at the Great Oak School is worn, corroded, and does not operate correctly. This door and frame are in need of a complete replacement. The estimated cost of this door replacement is **\$15,000**.

Thorpe School – Replace ADA Chair Lift: The mechanical chair lift providing handicap accessibility at the Thorpe School has failed numerous times and replacement parts have become very difficult or impossible to find. This important piece of equipment is at the end of its useful life and needs to be replaced. The estimated cost to replace the ADA Chair Lift is **\$60,000**.

Riverside School – Exterior Door Alarms: The control system and alarms connected to the ten exterior doors of Riverside School are at the end of their useful life and have required numerous repairs. This system is important to prevent people from entering or leaving the building without permission. It is recommended to replace this system and door alarms at the estimated cost of **\$6,500**.

Riverside School – Interior Door Locks: The locks on the interior doors at Riverside School date back to the 1998 renovation and are no longer functioning correctly. It is recommended to replace the lock cylinders of the interior doors with a new key system which will function correctly and match the system in use at many of our town and school buildings. The cost to replace this lock system is **\$15,000**.

Riverside School – Replace Exterior Gym Door: The exterior gym door at the Riverside School is worn, corroded, and does not operate correctly. This door and frame are in need of a complete replacement. The estimated cost of this door replacement is **\$15,000**.

Elementary School – HVAC Improvements: The unit in the server room at Riverside is failing and needs replacement. In addition, an existing unit at Highland is aging and inefficient. The estimated cost of these units is **\$18,000**.

Elementary School – Water Fountain Upgrades: It is recommended to continue the program of replacing existing, older water fountains with modern water efficient devices including a bottle filler. The estimated cost to replace the remaining eight fountains in our elementary schools is **\$40,000**, which would be funded through the WUMP program.

Holten Richmond Middle School – Art Room Plumbing Improvements: It is necessary to replace the sink drains in eight art room sinks. These traps catch paint and other debris from cleaning and no longer seal and operate correctly. It is recommended to replace these eight sink traps at the cost of **\$9,000**.

Holten Richmond Middle School – LED Lighting Improvements: The lighting in the stairwells at Holten Richmond uses a custom non efficient bulb which are at the end of their useful life. It is recommended to replace these sixty light fixtures with energy efficient LED lighting, which would be funded through **the Electric Division’s Energy Efficiency Program**. The cost of these upgrades is **\$7,500**.

High School and Holten Richmond Bleacher Repairs: The most recent inspection of the existing bleachers at the High School and Holten Richmond School has identified a number of necessary repairs which are beyond what could normally be done do through the maintenance budget. These repairs are necessary to keep the bleachers fully operational and safe. The estimated cost of these repairs is **\$18,000**.

High School – Water Heater Replacement: The High School has three water heaters, two of which are necessary to provide adequate hot water. The third water heater, which is essential for redundancy, has failed and is out of service. It is necessary to replace this water heater at the cost of **\$27,000**.

High School – Boiler Control Screens: The High School has six individual hot water boilers which are all used to provide heat to the building. The status of each boiler is monitored through a small LED screen mounted on the boiler. Four of these LED screens are not working correctly, and they are all passed the end of their useful life expectancy. It is recommended to replace the six LED screens at the cost of **\$21,000**.

High School – Floor Cleaning Machine: The floor cleaning machine used for the field house and athletic areas of the High School is at the end of its useful life and is in need of replacement. This ride on, thirty-inch-wide cleaner, has broken down several times over the past year which has resulted in downtime and the use of less efficient cleaning practices. The cost to replace this floor cleaning machine is **\$26,000**.

Classroom Modifications: Minor renovations, including but not limited to electrical upgrades, storage improvements, and wall partitions, are needed in several schools. These renovations are needed due to enrollment and program changes, and the additional use of the school buildings during the year. The total cost of this project is **\$25,000**.

Endicott Park - TOTAL: \$40,000
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Endicott Park – Miscellaneous Building Repairs: Several important building repairs at Endicott Park have been identified and are recommended to be funded this year. These include repointing the masonry walls of the garage, upgrading the wood shop electrical system using Essex Tech students, renovating the corn crib, and repairing some rot and investigating the condition of the doors and building sills of the conference room. The estimated cost of these projects totals **\$40,000**.

Fire Stations - TOTAL: \$47,500
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Central Fire Station – First Floor Conference Room Flooring: The carpeting in the first floor conference/training room is worn and is in need of replacement. It is recommended to replace this carpeting with a non-slip rubber floor tile, which is designed for this type of room. The estimated cost of this flooring is **\$22,500**.

Central Fire Station – 2nd Floor Interior Painting: It is recommended to complete the painting of the second floor of the Central Fire Station with the painting of the hallways and offices. The estimated cost of this painting is **\$5,000**.

Central Fire Interior LED Lighting Upgrades 2nd Floor: The second floor lighting at Central Fire is not energy efficient, provides inadequate illumination in certain areas, and is at the end of its useful life. It is recommended to replace the interior lighting with energy efficient LED lighting, which would be funded through the **Electric Division's Energy Efficiency Program**. The cost of these upgrades is **\$20,000**.

Peabody Institute Library - TOTAL: \$35,000

Library Children's Room Exterior Wall Waterproofing: We are experiencing water penetration through the underground exterior wall of the children's room. It has been determined that a portion of the terraced area outside the wall needs to be excavated and the waterproofing on the exterior of the masonry wall repaired. The estimated cost of this work is **\$35,000**.

Other Buildings Improvements - TOTAL: \$33,500

Two-Field Snack Bar / Press Box Repairs: The exterior of the snack bar / press box is in need of repairs and painting of the exterior fascia boards, trim, and shingles. The amount of work necessary is beyond the level of work which can be done through the normal maintenance budget. The estimated cost of these repairs is **\$8,500**.

Building Modifications: Throughout the year, the need exists to modify workspaces and offices in Town buildings. There are also unplanned repairs that need to be made throughout the year. The estimated ongoing cost for these modifications and/or repairs is **\$25,000** per year.

Article 27: Grounds Improvements. To see what sum the Town will vote to appropriate for improvements to and maintenance of Town properties, athletic facilities, playgrounds and equipment, and related costs, including construction, reconstruction, replacement, or purchase of equipment or supplies, and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

We recommend that the Town appropriate **\$64,500** for improvements to Town parks and properties, to be supported by **\$50,500 (Free Cash)** and **\$14,000 (WUMP)**. A description of the proposed scope of work is presented below:

Plains Park – Brown 2 Field Drainage Improvements: Funds are needed to install underdrains in the outfield of the Brown 2 Field, as the field is slow to drain after rainstorms, limiting its playability. The total cost of this work is estimated to be **\$12,000**.

John L. George Park Infield Renovations: It has been recommended to regrade, repair, and install new sod and clay to various portions of the softball field at a cost of **\$4,000**. This work will eliminate tripping hazards, reduce the risk of balls skipping, and improve overall playability. Field edge lips will be stripped and regraded, infield mix graded and, once proper grade is established, sod installed.

Rail Trail Maintenance & Surfacing: Consistent with prior annual appropriations, this request **(\$8,000)** is for the ongoing maintenance and resurfacing of the Danvers Rail Trail.

Highlands School to Senior Center Walking Trail: Maintenance repairs are necessary on this trail and boardwalk linking the Highlands School to the Senior Center property on Stone Street. The estimated cost of these repairs is **\$3,500**.

Water Bubblers: Part of a multi-year replacement program, this project proposes to replace the water bubblers at John L. George Park and at the Bradstreet Avenue Park at a cost of **\$14,000 (WUMP)**. These new bubblers include a water bottle filler feature which will promote proper hydration and reduce water bottle trash in local parks.

Endicott Park Fence & Gate Replacement: Numerous wooden farm gates and fencing, designed in accordance with the Park's architecture, are in poor condition. It is recommended to replace 600' of 3-rail fencing and adjacent gates at a cost **\$15,000**.

Endicott Park Roadway Maintenance: Endicott Park contains 2.4 miles of gravel roadways and walkways which complement the Park's historic character and charm. Like all gravel roadways, these are susceptible to regular washouts and potholes. Costs include grading, additional gravel, and other maintenance of the roads. The cost of this gravel and grading is **\$8,000**.

Article 28: Drainage Maintenance. To see what sum the Town will vote to appropriate for the continuation of the drainage maintenance program including engineering, specifications and bidding documents, materials, equipment, and construction associated with the costs of upgrading and improving the existing drainage throughout the Town, and to determine whether this appropriation should be raised by borrowing or otherwise, or take any other action thereon.

Annual maintenance work is required ensure the proper operation of the Town's drainage system. This includes routine work such as brush clearing along the stream embankments, removal of debris, rip rap, pipe repairs, and other related work. In recent years, this article has funded several larger drainage related projects, including 91-93 Burley Street and Elliot Street at Conant Street. In fiscal year 2024, improvements at multiple catch basin locations will be made, in addition to normal maintenance work. An appropriation of **\$25,000 (Sewer Retained Earnings)** is recommended for the routine drainage maintenance and repairs that are needed throughout the year.

Article 29: Drainage Liability. To see if the Town will vote to assume liability in the manner provided by M.G.L. Chapter 91, § 29, for damages that may be incurred by work to be performed by the Massachusetts Department of Transportation, for the improvement, development, maintenance, and protection of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores, and shores along the public beach, in accordance with M.G.L. Chapter 91, § 11, and authorize the Select Board to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts, or take any other action thereon.

A favorable vote on this Article means that the Town will assume liability for potential damages resulting from drainage improvements in Danvers performed by the Massachusetts Department of Transportation. This annual request is required before any such work can be undertaken.

Article 30: Re-establishment of Revolving Fund Accounts. To see if the Town will vote to re-establish departmental revolving fund accounts pursuant to M.G.L. Chapter 44, § 53E½ under the custody of the Town Treasurer, or take any other action thereon.

This Article authorizes Town Meeting to reestablish the following revolving funds of the Town:

1. **Danvers Council on Aging [DCOA] Programming Revolving Fund Account** – Under the control of the Department of Land Use & Community Services (Senior & Social Services Division), this account will receive and disburse funds for all expenses associated with the provision of programming services administered through the Danvers Council on Aging, including but not limited to part-time salaries, honorarium for faculty and/or program expenses. The receipts for such account consist of donations and fees from the provision of such services. The department is authorized to expend a sum not to exceed **\$215,000** from the account for said purposes **[FY 2022: \$215,000]**.
2. **Transportation Revolving Fund Account** - Under the control of the Department of Land Use & Community Services (Senior & Social Services Division), this account will receive and disburse funds to provide passenger services to senior citizens, the receipts for such account to be derived from donations and fees from the provision of such services. The department is authorized to expend a sum not to exceed **\$150,000** from the account for all expenses associated with the delivery of transportation services by the division, including but not limited to part-time drivers' salaries, rental, repair, fuel costs, operation, and maintenance of the vans and equipment used in conjunction with the delivery of the services **[FY 2022: \$150,000]**.
3. **Waterways Dredging Improvement Revolving Fund Account** - Under the control of the Department of Land Use & Community Services (Recreation Division), this account will receive and disburse funds for all expenses associated with dredging Danvers waterways, included but not limited to, engineering, research, design, permitting, and construction. Income will consist of revenues derived from slip fees and the department is authorized to expend a sum not to exceed **\$65,000 [FY 2022: \$65,000]**.
4. **Child Care Program Revolving Fund Account** – Under the control of the Department of Land Use & Community Services (Recreation Division), this account will receive and disburse funds for all expenses related to childcare programs and activities, including but not limited to salaries and benefits, materials and supplies, equipment, and insurance & transportation. This past year, due to Covid19, we adapted to the needs of the community and opened a fifth childcare site at the Thorpe School, as well as operating a Remote Learning program. Income will consist of revenues derived from program fees, and the department is authorized to expend a sum not to exceed **\$690,000** for said purposes **[FY 2022: \$690,000]**.
5. **Water Use Mitigation Revolving Fund Account** - Under control of the Department of Public Works (Water Division), this account will receive and disburse funds for all expenses related to conserving water resources, reducing demand upon the public water supply, and/or water use mitigation. Income will consist of revenues derived from Water Mitigation Impact fees and the department is authorized to expend a sum not to exceed **\$450,000** for said purposes **[FY 2022: \$450,000]**.
6. **Preservation Revolving Fund Account** - Under control of the Land Use & Community Services Department (Planning Division), this account will receive and disburse funds for loans, matching grants of up to 50% of project cost, and for the acquisition of preservation restrictions for protecting and preserving significant buildings and structures which constitute or reflect distinctive features of the history, architecture, and/or character of the Town of Danvers. Through this program, the Preservation Commission wishes to enable owners and others to preserve, rehabilitate, or restore such significant buildings and structures. Funding for this account will be from the remaining Avalon funds that are reserved for historic preservation. The Planning Department is authorized to expend a sum not to exceed **\$10,000** from the account for said purposes **[FY 2022: \$10,000]**.

7. **Police K9 Program Revolving Fund Account** - Under control of the Police Department, this account will receive and disburse funds for continuing and maintaining the K9 program. Through this account, the Police Department will be able to cover expenses related to animal care, kenneling, car repairs, training, equipment, supplies, mailings, food, litter/bedding, medical needs and K9 replacement. Funding for this account will be raised by donations, gifts, and fund-raising efforts. The Police Department is authorized to expend a sum not to exceed **\$20,000** from the account for said purposes [**FY 2022: \$20,000**].

Article 31: Electric System Improvements – Northland Substation. To see what sum the Town will vote to appropriate for improvements to the Town's electric distribution system and to determine whether this appropriation should be raised by borrowing, or take any other action thereon.

The Town implements a robust capital improvement program to maintain and enhance system reliability and accommodate future electrical needs of the community and is able to fund this program most years through the Electric Division's Depreciation Account. The last vote authorizing bonding for electric system improvements occurred in 2008. The electric distribution system consists of 23kV and 4kV power lines and equipment. Recent engineering evaluations have determined that the Northlands, Highlands, and Conant Street 23Kv-4kV substations and associated 4kV circuits that serve the area between Pine Street, Route 62, Route 128, and Endicott Street require upgrading due to age and load relief requirements.

The Northlands Substation, located at 68 Ash Street adjacent to the Liberty Tree Mall, was constructed roughly 70 years ago and consists of one power transformer and two feeder circuits. The Electric Division has determined that the most economical and practical solution to the reliability issues outlined above is to construct a new 23kV-4kV substation to replace the existing Northlands Substation with a modern substation similar in design to the Wood Electric and Cabot Road Substations. This design will also provide for the eventual elimination of the end-of-life single transformer Conant Substation located next to the Middle School that is of similar age to Northlands. The cost to build the new substation and retire the existing one is estimated at \$14.0 million. This capital improvement project is projected for completion over the next three years. We recommend that the Town vote to **authorize borrowing of \$14,000,000** for this purpose. This debt service will be paid with revenue derived from electric receipts.

Article 32: TNC Funding. To see if the Town will vote to, or take any other action thereon.

In 2018, the Commonwealth's Department of Public Utilities introduced a per-ride assessment fee on transportation network companies (TNCs), such as Uber and Lyft, a portion of which are distributed back to communities in which the rides originated. The State requires municipalities to appropriate these funds for transportation-related purposes or to mitigate the impact of ride-sharing services.

This article requests that Town Meeting appropriate **\$11,243.70 from the Transportation Network fund** into the Senior and Social Services' Transportation Revolving Fund to support this community service.

Article 33: Jet Fuel Tax (Beverly Airport). To see if the Town will vote to accept Chapter 64J of the General Laws relating to taxation of jet fuel used in the propulsion of turbine-propeller jet, turbojet, or jet driven aircraft, or take any other action thereon.

Acceptance of this statute would impose a local tax on airplane (jet) fuel sold at Beverly Regional Airport. Estimates on the revenue this would raise are currently unavailable, but the tax per gallon is five percent of the average price of aircraft (jet) fuel, as determined by the Department of Revenue, for each calendar quarter, but not less than five cents per gallon. Revenues raised from the tax accrue to the Town's General Fund, like Meals and Hotel Room taxes.

Article 34: Citizens Petition Real Estate Payments of PILOT Payments from Beverly Regional Airport Commission. To see if the Town will vote to authorize the Select Board to petition the General Court to permit the Town of Danvers to collect real estate taxes associated with the 170 acres of property and facilities assessed for industrial tax values (or take any other action thereon). [Mark Zuberek]

[As written] This petition requests that the legislation passed by (an Act Relevant to the Beverly Municipal Airport) Article 46 during the 1997 (May 9, 1997) Town Meeting. This action and the provisions shall be vacated. The two Danvers Commissions has failed the Danvers residents

Article 35: Citizens Petition – Establish Beverly Authority. To see if the Town Meeting will vote to petition the General Court to initiate the conversion of the governance for the Beverly Airport to an Airport Authority, (or take any other action thereon). [Mark Zuberek]

[As written] The adjoining communities shall have equal representation on the governing Board. The adjoining communities shall have equal voice in the governance of this Federally owned property. The three adjoining communities Danvers, Wenham, and Beverly shall have equal representation.

Article 36: Citizens Petition – Town Charter | Town Manager Act – Committee to Update & Review. To see if the Town Meeting will vote to authorize the Town Moderator to appoint a Town Charter | Town Manager Act Committee to review and update these documents. [Mark Zuberek]

[As written] Currently, there are no provisions to update and review these long-standing documents on a regular basis. The refresh of these documents shall serve as a periodic update and provide the Town Meeting to assist in the process. The composition of the Review/Committee is left to the Moderator

Article 37: Special Education Stabilization Fund. To see what sum the Town will vote to appropriate toward the Special Education Reserve Fund, or take any other action thereon.

The purpose of this Article is to fund the special education reserve fund pursuant to M.G.L. c. 40, Sec. 13E as created in 2022. An allocation of **\$600,000 (Free Cash)** is proposed this year. The money in the fund will be utilized in upcoming fiscal years to pay, without further appropriation, for unanticipated or unbudgeted special education costs, out-of-district special education tuition, or transportation. Distributions from the fund to pay for unanticipated or unbudgeted special education expenses require a majority vote of the School Committee and majority vote of the Select Board approving the distribution.

Article 38: General Stabilization Fund. To see what sum the Town will vote to appropriate to add to the General Stabilization Fund, pursuant to the provisions of M.G.L. Ch. 40, §5B, or take any other action thereon.

This fund was established by a vote of Town Meeting in 1982. The General Stabilization Fund is a key component of the Town's unassigned fund balance (UFB), which is calculated each year by the Town's independent auditor. The fund serves to stabilize operations against turbulent fiscal, economic, or environmental impacts. It also provides a funding source for critical capital needs in a year when adequate Free Cash is not available.

We recommend that **\$100,000** be transferred from **Free Cash** into the General Stabilization Fund for Fiscal Year 2023. Including this transfer, the 06/30/24 balance is projected to be \$4.72 million. Expenditures from this account require authorization from Town Meeting, and both sources (Free Cash and General Stabilization) are included in the Town's Unassigned Fund Balance.

Article 39: Debt Stabilization Fund. To see what sum the Town will vote to appropriate to add to the Debt Stabilization Fund, pursuant to the provisions of M.G.L. Chapter 40, § 5B, or take any other action thereon.

This fund was established by vote of the Special Town Meeting in February 2000 to help finance the eventual cost of building improvements at the High School/Middle School facilities and has subsequently been used to help finance debt associated with the Smith School project. This year, we recommend that **\$500,000** be appropriated into the fund from **Free Cash**. After taking into consideration the use of stabilization account funding proposed under Articles in this Warrant, the 06/30/24 balance is projected to be roughly \$1.75 million. Expenditures out of this fund require Town Meeting authorization.

Article 40: OPEB Trust Fund. To see what sum the Town will vote to appropriate to add to the post-employment health insurance stabilization fund, pursuant to M.G.L. Chapter 32B, or take any other action thereon.

This trust fund has been established to assist the Town in the financing of future health care costs for retired employees. The most recent actuarial study calculates the dollar value of this unfunded liability to be more than \$130 million. The Town maintains a rolling contribution plan to reduce this liability as well as a policy to redirect additional funding when the Town's pension liability is fully funded in 2035. These are recognized by the Town's rating agencies as prudent financial planning. This article proposes the continued financing of the OPEB Trust for this purpose in the amount of **\$250,000 (Free Cash)**. This is in addition to the amount recommended in the various general fund and utility operating budgets. The 06/30/24 balance in the trust is projected to be approximately \$13.35 million.

Article 41: Fiscal 2024 Budget Amendments. To see if the Town will vote to amend the action taken under Article 2 of the 2023 Annual Town Meeting by increasing certain appropriations, by adding certain appropriations, or by reducing certain appropriations, by transfer among accounts or from available funds, or take any other action thereon.

This article is on the warrant to provide the Town Meeting with an opportunity to amend any budget item which may need to be revised due to actions taken under other Articles in the Warrant. No action is required at this time.

Select Board

/s/ *Daniel C. Bennett*

Daniel C. Bennett, Chair

/s/ *David A. Mills*

David A. Mills

/s/ *Maureen A. Bernard*

Maureen A. Bernard

/s/ *Gardner S. Trask III*

Gardner S. Trask III

/s/ *Matthew E. Duggan*

Matthew E. Duggan

Appendix A

Appendix B

Appendix C